

ORIGINAL



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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING  
COMMITTEE

IN THE MATTER OF THE APPLICATION  
OF THE SOUTHWEST TRANSMISSION  
COOPERATIVE, INC., OR ITS ASSIGNEES,  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY FOR THE SWTC AND CAP  
JOINT PROJECTS CONSISTING OF THREE  
ELEMENTS: (1) A NEW SINGLE-CIRCUIT  
115 KV TRANSMISSION LINE CONNECTING  
SWTC'S NEW 115 KV LINE NEAR NORTH  
LOOP SUBSTATION (CASE NO. 149) TO THE  
EXISTING RATTLESNAKE SUBSTATION  
AND UPGRADE OF THE RATTLESNAKE  
SUBSTATION TO ADD A SWITCHYARD;  
(2) A NEW DOUBLE-CIRCUIT 115 KV  
TRANSMISSION LINE FROM THE EXISTING  
SANDARIO SUBSTATION TO THE EXISTING  
CAP TRANSMISSION LINE; AND (3) A NEW  
SINGLE-CIRCUIT 115 KV TRANSMISSION  
LINE CONNECTING THE EXISTING  
VALENCIA SUBSTATION TO THE CAP  
TRANSMISSION LINE AT SPREADER TAP  
AND EXPANSION OF THE VALENCIA  
SUBSTATION TO ADD A SWITCHYARD

ARIZ CORP COMMISSION  
DOCKET CONTROL  
Docket No.: L-00000CC-09-0543-00152

Case No. 152

NOTICE OF FILING E-MAIL  
COMMUNICATION

Arizona Corporation Commission

DOCKETED

FEB - 5 2010



The Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the attached e-mail communications that have occurred between the Parties to this case and the Chairman, up to this date, since the previous filing on December, 8, 2009.

DATED: February 5, 2010

John Foreman, Chairman  
Arizona Power Plant and Transmission  
Line Siting Committee  
Assistant Attorney General  
[john.foreman@azag.gov](mailto:john.foreman@azag.gov)

1 Pursuant to A.A.C. R14-3-204,  
2 The Original and 25 copies were  
3 filed February 5, 2010 with:

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 W. Washington St.  
7 Phoenix, AZ 85007

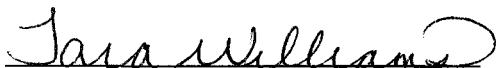
8 Copy of the above was mailed  
9 this 5<sup>th</sup> day of February, 2010 to:

10 Janice Alward, Chief Counsel  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, AZ 85007  
14 Counsel for Legal Division Staff

15 Michael M. Grant  
16 Gallagher and Kennedy, P.A.  
17 2575 East Camelback Road  
18 Suite 1100  
19 Phoenix, AZ 85016  
20 Counsel For Applicant, SW Transco

21 Scott S. Wakefield  
22 Ridenour, Hienton & Lewis, P.L.L.C.  
23 201 North Central Avenue, Suite 3300  
24 Phoenix, AZ 85004  
25 Counsel for CalPortland Company

26 Marta T. Hetzer  
Arizona Reporting Service, Inc.  
2200 North Central Avenue  
Phoenix, Arizona 85004-1481



**From:** "Pearsall, Peri L." <PLP@gknet.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 12/11/2009 3:54 PM  
**Subject:** RE: Agenda

Thanks, Tara!

Peri L. Pearsall  
Assistant to Michael M. Grant  
and James G. Busby, Jr.

Gallagher & Kennedy, P.A.  
2575 E. Camelback Rd., Suite 1100  
Phoenix, Arizona 85016-9225

Phone: 602-530-8402  
Fax: 602-530-8500  
E-mail: [plp@gknet.com](mailto:plp@gknet.com)  
Web site: [www.gknet.com](http://www.gknet.com)

This message and any of the attached documents contain information from the law firm of Gallagher & Kennedy, P.A. that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute, or use this information, and no privilege has been waived by your inadvertent receipt. If you have received this transmission in error, please notify the sender by reply e-mail and then delete this message. Thank you.

-----Original Message-----

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]  
Sent: Friday, December 11, 2009 11:56 AM  
To: Janice Alward; Grant, Michael M.  
Cc: Marta Hetzer; Pearsall, Peri L.  
Subject: Agenda

I have attached the agenda for #152 which was filed today with the Corporation Commission.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
[tara.williams@azag.gov](mailto:tara.williams@azag.gov)

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

1  
2  
3 **BEFORE THE ARIZONA POWER PLANT**  
4 **AND TRANSMISSION LINE SITING COMMITTEE**

5 IN THE MATTER OF THE APPLICATION  
6 OF THE SOUTHWEST TRANSMISSION  
7 COOPERATIVE, INC., OR ITS ASSIGNEES, FOR  
8 A CERTIFICATE OF ENVIRONMENTAL  
9 COMPATIBILITY FOR THE SWTC AND CAP  
10 JOINT PROJECTS CONSISTING OF THREE  
11 ELEMENTS: (1) A NEW SINGLE-CIRCUIT  
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AND UPGRADE OF THE RATTLESNAKE  
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CONNECTING THE EXISTING VALENCIA  
SUBSTATION TO THE CAP TRANSMISSION  
LINE AT SPREADER TAP AND EXPANSION OF  
THE VALENCIA SUBSTATION TO ADD A  
SWITCHYARD

Docket No. L-00000CC-09-0543-00152

Case No. 152

**AGENDA**

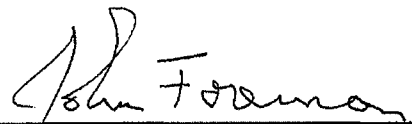
15  
16  
17 Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the general  
18 public, the parties and the Arizona Power Plant and Transmission Line Siting Committee  
19 ("Committee") that the Committee will hold a meeting/hearing on the above application that is  
20 open to the public at the Omni Tucson National Resort located at 2727 West Club Drive,  
21 Tucson, Arizona 85742; telephone number: (520) 297-2271. (Federal contracted hotel per  
22 diem rate is \$127.00 per night.) The hearing will begin on Monday, February 8, 2010, at 9:30  
23 a.m. If the hearing has not concluded, it will continue on Tuesday, February 9, 2010, at 9:30  
24 a.m. The hearing will adjourn at approximately 5:00 p.m. on each day. Public comment will be  
25 taken during the hearing at times designated by the Chairman. Additional days for the hearing  
26 may be set, or the hearing may conclude earlier than anticipated, depending upon the number  
27 of parties that intervene, the amount of testimony presented, the amount of public comment,  
and the time needed for deliberations by the Committee. As a part of the public  
meeting/hearing, members of the Committee will discuss the potential value of a tour, and, at  
the discretion of the Chairman of the Committee, may tour the proposed route for the project  
on a future date to be set by the Chairman of the Committee at the meeting/hearing. At the  
meeting/hearing, the Committee may consider, discuss, deliberate and/or vote on the matters  
on the Agenda. Items on the Agenda may be taken in a different order than listed as  
conditions require.

1. Call to Order;

2. Roll Call;
3. Consideration of and vote upon any requests to intervene;
4. Hearing on the application;
5. Public Comment;
6. Discussion of potential value of a tour of the proposed route;
7. Discussion of proposed Findings of Fact, Conclusions of Law, the Certificate of Environmental Compatibility and conditions to the Certificate of Environmental Compatibility;
8. Vote and decision concerning Findings of Fact, Conclusions of Law, the Certificate of Environmental Compatibility and conditions to the Certificate of Environmental Compatibility; and,
9. Adjournment.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Shaylin Bernal, voice phone number: (602) 542-3931, e-mail: [sabernal@azcc.gov](mailto:sabernal@azcc.gov). Requests should be made as early as possible to arrange the accommodation. All materials relating to the hearing, including any tour, may be found at the Docket Control of the Arizona Corporation Commission, 1200 W. Washington, Phoenix, AZ 85007, first floor.

DATED this 11<sup>th</sup> day of December, 2009.



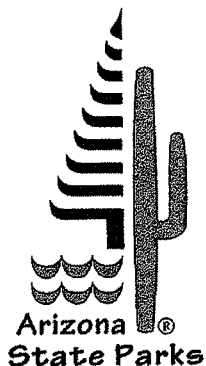
John Foreman, Chairman  
Arizona Power Plant and Transmission  
Line Siting Committee  
Assistant Attorney General  
[john.foreman@azag.gov](mailto:john.foreman@azag.gov)

**From:** Tara Williams  
**To:** Alward, Janice; Grant, Michael  
**CC:** Hetzer, Marta; Pearsall, Peri  
**Date:** 12/30/2009 12:10 PM  
**Subject:** #152 Correspondence  
**Attachments:** SHPO Letter.pdf

I have attached a letter our office received and docketed with the Commission today.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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"Managing and conserving Arizona's natural, cultural and recreational resources"

L-00000CC-09-0543-00152

General comments

December 28, 2009

PAD / CPA

DEC 30 2009

RECEIVED

Hon. John Foreman, Chairman  
Arizona Power Plant and Transmission Line Siting Committee  
Assistant Attorney General  
1275 West Washington  
Phoenix, AZ 85007

RE: Hearing Notice, Arizona Corporation Commission Docket No. L-00000CC-09-0543-00152  
Application for Certificate of Environmental Compatibility for Southwest Transmission  
Cooperative, Inc. (SWTC) & Central Arizona Project (CAP) Joint Projects  
SHPO-2009-1788-1794 (75479)

Dear Mr. Foreman:

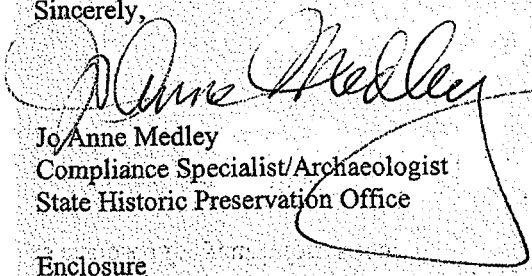
Thank you for the hearing notice regarding Docket No. L-00000CC-09-0543-00152.

Review of our records indicates that on November 3, 2008 we received a National Environmental Policy Act (NEPA) scoping letter regarding seven separate projects, some of which are named in the hearing notice. In response to my request for more information, Crystal Kuntz P.E., of ECI Environmental Services informed me that the USDA Rural Utilities Service and would fund the projects and would be the lead agency for compliance with the National Historic Preservation Act. Ms. Kuntz also said that during the NEPA analysis, cultural resources records searches and pedestrian surveys would be done of the proposed project areas. A copy of my December 1, 2008 requesting that cultural resources survey reports be submitted to our office for review and comment is enclosed for your information.

As of December 28, 2009, we have not received a report(s) of the results of records searches and actual pedestrian surveys in support of any of the proposed projects. At this time, the minimum requirements for compliance with federal law have not been met. Once the alternative is chosen, the lead federal agency should provide our office with reports of the results of agency efforts to identify historic properties that might be affected by the proposed project(s) and any treatment measures that may be required to minimize or mitigate harmful impacts/effects to those historic properties.

If you have any questions or concerns, please contact me at (602) 542-7142 or at [jmedley@azstateparks.gov](mailto:jmedley@azstateparks.gov).

Sincerely,

  
Jo Anne Medley  
Compliance Specialist/Archaeologist  
State Historic Preservation Office

Enclosure

cc: Dennis Rankin, USDA Rural Development-Rural Utilities Services, Washington, DC  
(with enclosure)

Janice K. Brewer  
Governor

State Parks  
Board Members

Chair  
Reese Woodling  
Tucson

Tracey Westerhausen  
Phoenix

Larry Landry  
Phoenix

Walter D. Armer, Jr.  
Vail

Arlan Colton  
Tucson

William C. Scalzo  
Phoenix

Maria Baier  
State Land  
Commissioner

Renée E. Bahl  
Executive Director

Arizona State Parks  
1300 W. Washington  
Phoenix, AZ 85007

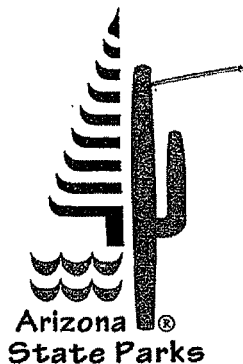
Tel & TTY: 602.542.4174  
[AZStateParks.com](http://AZStateParks.com)

800.285.3703 from  
(520 & 928) area codes

General Fax:  
602.542.4180

Director's Office Fax:  
602.542.4188





"Managing and conserving Arizona's natural, cultural and recreational resources"

Survey report required

December 1, 2008

ECI  
352 Gabel Road  
Billings, MT 59102

Attention: Crystal Kuntz, P.E., Environmental Project Manager

RE: Projected Power Needs of the Central Arizona Project (CAP); RD-RUS  
SHPO-2008-1788 through 1794 (38222 through 38228)

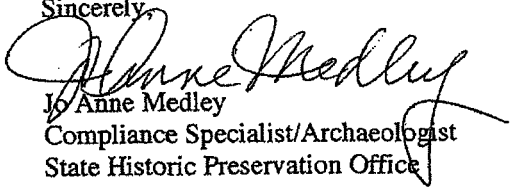
Dear Ms. Kuntz:

This is in response to the November 3, 2008 scoping letter from Southwest Transmission Cooperative (SWTC) regarding the above referenced project, which would consist of three new 115kV transmission lines between the existing Valencia, Rattlesnake and Sandario Substations, and equipment upgrades within those substations. Thank you for providing additional information per our e-mail request. We understand that this is a federal undertaking and that Rural Development-Rural Utilities Services (RUS) is the lead federal agency and thus consultation with our office is required according to Section 106 of the National Historic Preservation Act and implementing regulations at 36 CFR Part 800. At this point (i.e., conceptual planning), we have designated separate SHPO project numbers to the projects as listed in the SWTC letter.

RUS should submit a copy of the supporting cultural resources survey report(s) for our review and comment. The cover letter should describe the project, list parties that have been consulted (federal, state, county, and municipal governments, Indian Tribes, and interested parties), summarize the results of the responses, and request our concurrence with adequacy of identification effort, eligibility determinations, finding of effect, and treatment measures that may be required.

We look forward to continuing consultation pursuant to federal regulations. Please feel free to contact me at 602/542-7142 or [jmedley@azstateparks.gov](mailto:jmedley@azstateparks.gov).

Sincerely,

  
Jo Anne Medley  
Compliance Specialist/Archaeologist  
State Historic Preservation Office

Kenneth E. Travous  
Executive Director

Arizona State Parks  
1300 W. Washington  
Phoenix, AZ 85007

Tel & TTY: 602.542.4174  
[www.azstateparks.com](http://www.azstateparks.com)

800.285.3703 from  
(520 & 928) area codes

General Fax:  
602.542.4180

Director's Office Fax:  
602.542.4188

Cc: Dennis Rankin, USDA Rural Development-Rural Utilities Services, Washington, DC

**From:** Tara Williams  
**To:** Alward, Janice; Grant, Michael  
**CC:** Hetzer, Marta; Pearsall, Peri  
**Date:** 1/15/2010 10:08 AM  
**Subject:** #152 Agenda  
**Attachments:** 20100115084720963.pdf

Good Morning,

Please see the attachment which is being filed with the Corporation Commission today.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**BEFORE THE ARIZONA POWER PLANT  
AND TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION  
OF THE SOUTHWEST TRANSMISSION  
COOPERATIVE, INC., OR ITS ASSIGNEES, FOR  
A CERTIFICATE OF ENVIRONMENTAL  
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JOINT PROJECTS CONSISTING OF THREE  
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SINGLE-CIRCUIT 115 KV TRANSMISSION LINE  
CONNECTING THE EXISTING VALENCIA  
SUBSTATION TO THE CAP TRANSMISSION  
LINE AT SPREADER TAP AND EXPANSION OF  
THE VALENCIA SUBSTATION TO ADD A  
SWITCHYARD

Docket No. L-00000CC-09-0543-00152

Case No. 152

**AMENDED AGENDA**

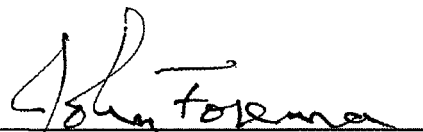
Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the general public, the parties and the Arizona Power Plant and Transmission Line Siting Committee ("Committee") that the Committee will hold a meeting/hearing on the above application that is open to the public at the Omni Tucson National Resort located at 2727 West Club Drive, Tucson, Arizona 85742; telephone number: (520) 297-2271. (Federal contracted hotel per diem rate is \$127.00 per night.) The hearing will begin on Monday, February 8, 2010, at 9:30 a.m. If the hearing has not concluded, it will continue on Tuesday, February 9, 2010, at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on each day. Public comment will be taken during the hearing at times designated by the Chairman. Additional days for the hearing may be set, and the hearing may conclude earlier or later than anticipated, depending upon the number of parties that intervene, the amount of testimony presented, the amount of public comment, and the time needed for deliberations by the Committee. As a part of the public meeting/hearing, members of the Committee will discuss the potential value of a tour, and, at the discretion of the Chairman of the Committee, may tour the proposed route for the project on a future date to be set by the Chairman of the Committee at the meeting/hearing. At the meeting/hearing, the Committee may consider, discuss, deliberate and/or vote on the matters on the Agenda. Items on the Agenda may be taken in a different order than listed as conditions require.

1. Call to Order;

2. Roll Call;
3. Consideration of and vote upon any requests to intervene;
4. Hearing on the application;
5. Public Comment;
6. Discussion of potential value of a tour of the proposed route;
7. Discussion of proposed Findings of Fact, Conclusions of Law, the Certificate of Environmental Compatibility and conditions to the Certificate of Environmental Compatibility;
8. Vote and decision concerning Findings of Fact, Conclusions of Law, the Certificate of Environmental Compatibility and conditions to the Certificate of Environmental Compatibility; and,
9. Adjournment.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Shaylin Bernal, voice phone number: (602) 542-3931, e-mail: [sabernal@azcc.gov](mailto:sabernal@azcc.gov). Requests should be made as early as possible to arrange the accommodation. All materials relating to the hearing, including any tour, may be found at the Docket Control of the Arizona Corporation Commission, 1200 W. Washington, Phoenix, AZ 85007, first floor.

DATED this 15<sup>th</sup> day of January, 2010.



John Foreman, Chairman  
Arizona Power Plant and Transmission  
Line Siting Committee  
Assistant Attorney General  
[john.foreman@azag.gov](mailto:john.foreman@azag.gov)

**From:** "Carol A. Ewing" <CAEwing@rhkl-law.com>  
**To:** "John.foreman@azag.gov" <John.foreman@AZAG.GOV>, "mmg@gknet.com" <m...  
**CC:** "Scott S. Wakefield" <SSWakefield@rhkl-law.com>  
**Date:** 2/2/2010 11:01 AM  
**Subject:** Southwest Transmission Cooperative / CalPortland  
**Attachments:** SDOC3447.pdf

See attached Request for Leave to Intervene and Participate as a Party. A hard copy will follow in the mail.

-----Original Message-----

**From:** CEwing [mailto:caewing@rhkl-law.com]  
**Sent:** Tuesday, February 02, 2010 9:13 AM  
**To:** Carol A. Ewing  
**Subject:**

This E-mail includes attached file(s) sent from "RNP7D71BA" (Aficio 1075).

Scan Date: 02.02.2010 11:13:26 (-0500)  
Queries to: administrator@rhhklaw.com

1                                   **BEFORE THE ARIZONA POWER PLANT AND**  
2                                   **TRANSMISSION LINE SITING COMMITTEE**

3       IN THE MATTER OF THE  
4       APPLICATION OF THE SOUTHWEST  
5       TRANSMISSION COOPERATIVE, INC.,  
6       OR ITS ASSIGNEES, FOR A  
7       CERTIFICATE OF ENVIRONMENTAL  
8       COMPATIBILITY FOR THE SWTC AND  
9       CAP JOINT PROJECTS CONSISTING OF  
10      THREE ELEMENTS: (1) A NEW  
11      SINGLE-CIRCUIT 115 KV  
12      TRANSMISSION LINE CONNECTING  
13      SWTC'S NEW 115 KV LINE NEAR  
14      NORTH LOOP SUBSTATION (CASE NO.  
15      149) TO THE EXISTING RATTLESNAKE  
16      SUBSTATION AND UPGRADE OF THE  
17      RATTLESNAKE SUBSTATION TO ADD  
18      A SWITCHYARD; (2) A NEW DOUBLE-  
19      CIRCUIT 115 KV TRANSMISSION LINE  
20      FROM THE EXISTING SANDARIO  
21      SUBSTATION TO THE EXISTING CAP  
22      TRANSMISSION LINE; AND (3) A NEW  
23      SINGLE-CIRCUIT 115 KV  
24      TRANSMISSION LINE CONNECTING  
25      THE EXISTING VALENCIA  
26      SUBSTATION TO THE CAP  
27      TRANSMISSION LINE AT SPREADER  
28      TAP AND EXPANSION OF THE  
29      VALENCIA SUBSTATION TO ADD A  
30      SWITCHYARD

DOCKET NO. L-00000CC-09-0543-  
00152

CASE NO. 152

REQUEST FOR LEAVE TO  
INTERVENE AND PARTICIPATE AS  
A PARTY

19                   Pursuant to A.R.S. § 40-360.05, CalPortland Company ("CalPortland"), formerly  
20       known as California Portland Cement Co., hereby requests leave to intervene and  
21       participate as a party in the above-captioned proceeding.

22                   CalPortland owns and operates a cement plant and quarry in Rillito, Arizona.  
23       Southwest Transmission Cooperative, Inc.'s ("SWTCO") proposed North Cap to  
24       Rattlesnake transmission line project would cross approximately 2.5 miles or more of  
25       CalPortland's property. CalPortland seeks intervention in this proceeding to seek  
26       conditions on SWTCO's Certificate of Environmental Compatibility to minimize the

1 impact of the transmission line on CalPortland's operations.

2 CalPortland will comply with the requirement of the Chairman's December 3,  
3 2009 Procedural Order to meet and confer with other intervening parties that might have  
4 similar interests that might allow them jointly to present testimony or jointly offer exhibits  
5 into evidence.

6 CalPortland requests that it be granted intervention and status as a party to this  
7 proceeding pursuant to A.R.S. § 40-360.05(4).

8 Dated this 2<sup>nd</sup> day of February, 2010.

9 RIDENOUR, HIENTON, KELHOFFER  
10 & LEWIS, P.L.L.C.

11 By 

12 Scott S. Wakefield  
13 201 North Central Avenue, Suite 3300  
14 Phoenix, Arizona 85004-1052  
15 Attorneys for CalPortland Company  
16 sswakefield@rhkl-law.com

17 Pursuant to A.A.C. R14-3-204,  
18 the Original and 25 copies were filed on  
19 February 2, 2010, with:

20 Docket Control  
21 Arizona Corporation Commission  
22 1200 W. Washington Street  
23 Phoenix, AZ 85007

24 Copy of the above delivered this  
25 2<sup>nd</sup> day of February, 2010, to:

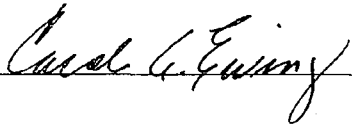
26 Janice Alward, Chief Counsel  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, AZ 85007  
Counsel for Legal Division Staff

Copy of the above e-mailed/mailed this

1 2nd day of February, 2010, to:

2 John Foreman, Chairman  
3 Arizona Power Plant and Transmission  
4 Line Siting Committee  
5 Assistant Attorney General  
6 1275 W. Washington  
7 Phoenix, AZ 85007  
8 John.foreman@azag.gov

9 Michael M. Grant  
10 Gallagher & Kennedy, PA  
11 2575 E. Camelback Rd., Suite 1100  
12 Phoenix, AZ 85016  
13 Mmg@gknet.com  
14 Counsel for Applicant Southwest  
15 Transmission Cooperative, Inc.

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**From:** "Carol A. Ewing" <CAEwing@rhkl-law.com>  
**To:** "'John.foreman@azag.gov'" <John.foreman@AZAG.GOV>, "'mmg@gknet.com'" <m...  
**CC:** "Scott S. Wakefield" <SSWakefield@rhkl-law.com>  
**Date:** 2/3/2010 4:46 PM  
**Subject:** Southwest Transmission Cooperative / CalPortland  
**Attachments:** SDOC3499.pdf; CalPortland Rillito Plant SWTC 001 - email format.ppt; SDOC3500.pdf

Attached is CalPortland's Notice of Filing Power Point Presentatio and Proposed CEC Conditions. Hard copy will follow in the mail.

Carol A. Ewing, PLS  
Assistant to Robert J. Hackett, Esq. & Scott S. Wakefield, Esq.  
R idenour, Hienton  
& Lewis  
A Professional Limited Liability Company

Chase Tower | 201 N Central Avenue, Suite 3300 | Phoenix, Arizona 85004  
(602) 744-5761 Direct | (602) 254-9900 Main | (602) 254-8670 Facsimile  
caewing@rhkl-law.com<mailto:caewing@rhkl-law.com> | www.rhkl-law.com<http://www.rhkl-law.com>

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1                                   **BEFORE THE ARIZONA POWER PLANT AND**  
2                                   **TRANSMISSION LINE SITING COMMITTEE**

3       IN THE MATTER OF THE  
4       APPLICATION OF THE SOUTHWEST  
5       TRANSMISSION COOPERATIVE, INC.,  
6       OR ITS ASSIGNEES, FOR A  
7       CERTIFICATE OF ENVIRONMENTAL  
8       COMPATIBILITY FOR THE SWTC AND  
9       CAP JOINT PROJECTS CONSISTING OF  
10      THREE ELEMENTS: (1) A NEW  
11      SINGLE-CIRCUIT 115 KV  
12      TRANSMISSION LINE CONNECTING  
13      SWTC'S NEW 115 KV LINE NEAR  
14      NORTH LOOP SUBSTATION (CASE NO.  
15      149) TO THE EXISTING RATTLESNAKE  
16      SUBSTATION AND UPGRADE OF THE  
17      RATTLESNAKE SUBSTATION TO ADD  
18      A SWITCHYARD; (2) A NEW DOUBLE-  
19      CIRCUIT 115 KV TRANSMISSION LINE  
20      FROM THE EXISTING SANDARJO  
21      SUBSTATION TO THE EXISTING CAP  
22      TRANSMISSION LINE; AND (3) A NEW  
23      SINGLE-CIRCUIT 115 KV  
24      TRANSMISSION LINE CONNECTING  
25      THE EXISTING VALENCIA  
26      SUBSTATION TO THE CAP  
      TRANSMISSION LINE AT SPREADER  
      TAP AND EXPANSION OF THE  
      VALENCIA SUBSTATION TO ADD A  
      SWITCHYARD

DOCKET NO. L-00000CC-09-0543-  
00152

CASE NO. 152

CALPORTLAND'S NOTICE OF  
FILING POWER POINT  
PRESENTATION AND PROPOSED  
CEC CONDITIONS

19                   CalPortland Company ("CalPortland"), formerly known as California Portland  
20       Cement Co., provides this notice of filing the attached PowerPoint presentation to be  
21       offered by its witness David Bittel. Attached to the Testimony Summary are the proposed  
22       conditions that CalPortland recommends for inclusion in the Certificate of Environmental  
23       Compatibility.

24       ...

25       ...

1 Dated this 3<sup>rd</sup> day of February, 2010.

2 RIDENOUR, HIENTON & LEWIS, P.A./L.C.

3 By 

4 Scott S. Wakefield

5 201 North Central Avenue, Suite 3300

6 Phoenix, Arizona 85004-1052

7 Attorneys for CalPortland Company

sswakefield@rhkl-law.com

8 Pursuant to A.A.C. R14-3-204,  
9 the Original and 25 copies were filed on  
10 February 3<sup>rd</sup> 2010, with:

11 Docket Control  
12 Arizona Corporation Commission  
13 1200 W. Washington Street  
14 Phoenix, AZ 85007

15 Copy of the above delivered this  
16 3<sup>rd</sup> day of February, 2010, to:

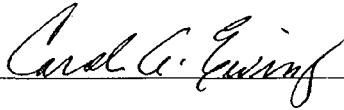
17 Janice Alward, Chief Counsel  
18 Arizona Corporation Commission  
19 1200 W. Washington Street  
20 Phoenix, AZ 85007  
21 Counsel for Legal Division Staff

22 Copy of the above e-mailed/mailed this  
23 2nd day of February, 2010, to:

24 John Foreman, Chairman  
25 Arizona Power Plant and Transmission  
26 Line Siting Committee  
Assistant Attorney General  
1275 W. Washington  
Phoenix, AZ 85007  
John.foreman@azag.gov

Michael M. Grant

1 Gallagher & Kennedy, PA  
2 2575 E. Camelback Rd., Suite 1100  
3 Phoenix, AZ 85016  
4 Mmg@gknet.com  
5 Counsel for Applicant Southwest  
6 Transmission Cooperative, Inc.  
7  
8  
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11  
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26

A handwritten signature in cursive script, reading "Carol G. Gering", is written over a horizontal line.

ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE

## CalPortland

### Rillito Cement Plant

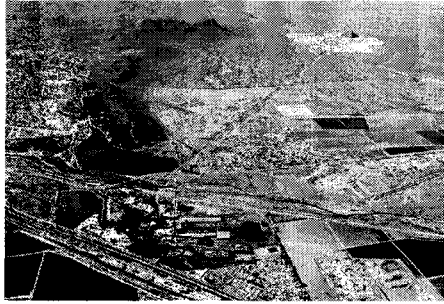
11115 N. Casa Grande Highway  
Rillito, AZ

David N. Bittel  
Plant Manager

1

CALPORTLAND

ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE



2

CALPORTLAND

ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE

### What we do....

- Manufacture 1.6MM tons of Cement Annually
- Plant Established in 1949
- 24 hour x 7 day / week Operation
- Quarry
  - Limestone mine located 4 miles from the plant
  - Supplies 90% of the plant raw materials via Overland Conveyor
- Plant
  - Comprised of 5 raw grinding mills, 4 kilns, 9 finish grinding mills, cement storage and shipping

3

CALPORTLAND

ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE

### What we do....

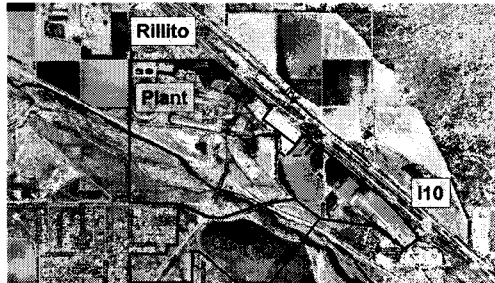
- Market
  - Phoenix and Southern Arizona
- Safety Health & Environmental
  - CalPortland is very Safety Conscious
  - Requires knowledge of who is on site
  - Compliance with Mine Safety Health Administration
  - All personnel must be in compliance with rules & requirements
- Interference with Operations
  - Review final pole location before construction

4

CALPORTLAND

ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE

### Plant Location

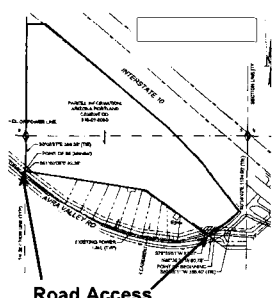


5

CALPORTLAND

ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE

### Cotton Farm



- SWTC Map 23
- Road Accesses
- Road Legal Vehicles
- Active Mining Area
- 60' Deep Pit
- Slope from Pole Foundations
- Easement Width

6

CALPORTLAND

ENERGY STAR  
AWARD  
2007  
SUSTAINED EXCELLENCE

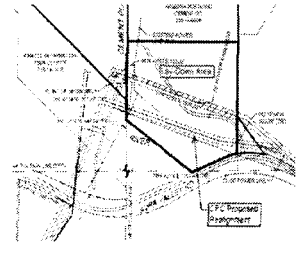
## Realignment / Mining



7 CALPORTLAND

ENERGY STAR  
AWARD  
2007  
SUSTAINED EXCELLENCE

## Realignment / Mining

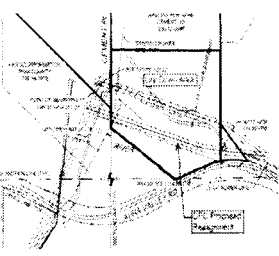


- SWTC Map 8 & 9
- Adjacent to TEP Line
- Retained Land Use
- Laydown Area
- Mining Area
- Slope from Pole Foundations
- Easement Width

8 CALPORTLAND

ENERGY STAR  
AWARD  
2007  
SUSTAINED EXCELLENCE

## Realignment / Mining



- Haul Road Crossing
  - Over-height mining vehicles (36' overall height)
  - Mutually agreed in concept

9 CALPORTLAND

ENERGY STAR  
AWARD  
2007  
SUSTAINED EXCELLENCE

## Overland Conveyor

- Lifeline of the Plant
- Used to Transport 90% of the Raw Materials
- Runs adjacent to Proposed Residential Development
- Boundary Wall
  - May need to increase wall height
    - Due to Safety, Noise and Operational Security Reasons
  - Need to maintain wall and berm

10 CALPORTLAND

ENERGY STAR  
AWARD  
2007  
SUSTAINED EXCELLENCE

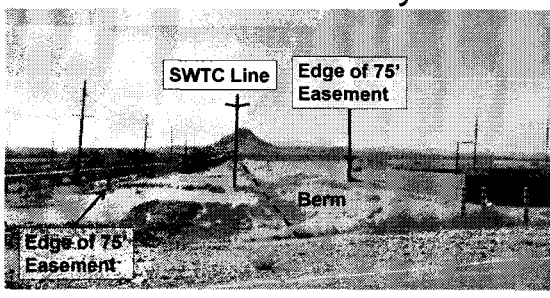
## Overland Conveyor

- Pole Foundation
  - No impact on CalPortland Operations
- Conveyor Emergency Repair
- Easement Width

11 CALPORTLAND

ENERGY STAR  
AWARD  
2007  
SUSTAINED EXCELLENCE

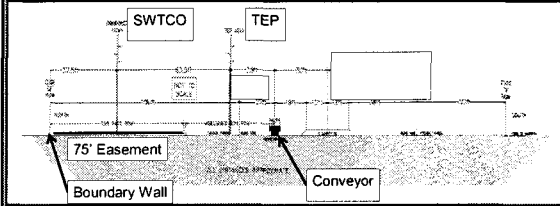
## Overland Conveyor



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2009  
SUSTAINED EXCELLENCE

## Overland Conveyor



- North View

CALPORTLAND

ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE

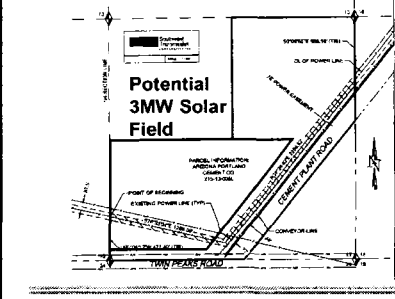
## SWTC Underbuild

- SWTC Underbuild Option
  - Requires Advance Decision by both Parties
  - Cost / Benefit Analysis Incomplete
    - Incomplete Cost Estimate Data from SWTC
  - Eliminates need for another line for solar power transmission
  - 1.7 mile Section

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ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE

## Solar Field



CALPORTLAND

ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE

## Solar Field

- SWTC Line Impacts
  - Derating Solar Field Capacity due to Shadows
  - Potential Relocation
    - Further from Load
    - Additional Power Lines Required

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AWARD  
2009  
SUSTAINED EXCELLENCE

## Solar Field

- SWTC Line Potential Benefits
  - Underbuild Option provides
    - Transmission route for solar power to load

CALPORTLAND

ENERGY STAR  
AWARD  
2009  
SUSTAINED EXCELLENCE



CALPORTLAND

## **CalPortland's Proposed CEC Conditions**

22. Applicant shall locate, construct and operate the line on CalPortland's property so as to not restrict CalPortland's access to CalPortland's ByPass Road, Cal Portland's Haul Road, CalPortland's Cottonfield Entryway road, and Avra Valley Road.
23. Applicant shall construct and maintain the transmission line so as to maintain clearance of at least 36 feet at CalPortland's Haul Road.
24. Applicant shall locate, construct and operate the line so that CalPortland maintains unrestricted access to and ability to maintain and, if necessary, heighten, the west berm and boundary wall located adjacent to CalPortland's conveyor belt.
25. Applicant shall locate, construct and operate the line so that CalPortland maintains the ability to utilize its property as a laydown area for materials necessary for CalPortland's future plant expansion.
26. Applicant shall locate the section of the line on CalPortland's property along Avra Valley Road as close as possible to the existing TEP transmission line, as reflected on Page 8 of CalPortland's witness David Bittel's powerpoint presentation.
27. Applicant shall locate, construct and operate the line so as not to interrupt or cause adverse effects on CalPortland's operations.
28. Applicant shall locate, construct and operate the line on CalPortland's property in compliance with all applicable laws and regulations including state and federal mine safety laws and regulations.
29. Within sixty (60) days of the Commission decision granting this Certificate, the Applicant shall provide CalPortland the cost to CalPortland for construction of the distribution underbuild.
30. Applicant shall locate, construct and operate the line on CalPortland's property so as to not restrict CalPortland's access to operate and maintain its conveyor belt.
31. Applicant shall utilize a right of way as narrow as possible down to 50 feet on CalPortland's property.
32. Applicant shall be permitted to utilize a right of way in excess of 75 feet surrounding pole locations on CalPortland's property if 75 feet is not a sufficient distance to protect the integrity of pole foundations from CalPortland's adjacent mining operations.



**From:** "Grant, Michael M." <MMG@gknet.com>  
**To:** "John Foreman" <John.Foreman@AZAG.GOV>, "Scott S. Wakefield" <SSWakefiel...  
**Date:** 2/4/2010 12:49 PM  
**Subject:** Proposed CEC for the North Loop/Valencia Projects  
**Attachments:** S10020410110.pdf

Judge Foreman and Mr. Wakefield: Attached is the proposed CEC which SWTC is filing with Docket Control. Mike

Michael M. Grant

Gallagher & Kennedy, P.A.  
2575 E. Camelback Road  
Suite 1100  
Phoenix, Arizona 85016

Phone: 602-530-8291  
Fax: 602-530-8500  
E-mail: mmg@gknet.com <mailto:mmg@gknet.com>  
Web site: www.gknet.com <http://www.gknet.com/>

Attorney Profile <<http://www.gknet.com/attorneyprofile.aspx?id=55>>

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**GALLAGHER & KENNEDY**

P.A.

LAW OFFICES

**MICHAEL M. GRANT**  
DIRECT DIAL: (602) 530-8291  
E-MAIL: MMG@GKNET.COM

2575 EAST CAMELBACK ROAD  
PHOENIX, ARIZONA 85016-9225  
PHONE: (602) 530-8000  
FAX: (602) 530-8500  
WWW.GKNET.COM

February 4, 2010

**HAND DELIVERED**

Docket Control  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

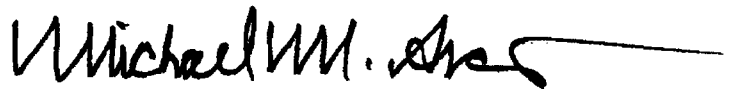
Re: *Southwest Transmission Cooperative's Proposed Certificate of Environmental  
Compatibility; Docket No. L-00000CC-09-0543-00152, Case No. 152*

Dear Sir or Madam:

Enclosed are the original and 25 copies of the Certificate of Environmental Compatibility which Southwest Transmission Cooperative proposes the Committee approve and the Commission affirm and approve in this matter. Your assistance is appreciated.

Very truly yours,

GALLAGHER & KENNEDY, P.A.



By:

Michael M. Grant

MMG/plp  
15169-16/2362113  
Enclosure

cc w/enclosure (e-mailed): John Foreman, Attorney General's Office  
Scott Wakefield

**Original and 25 copies** filed with Docket  
Control this 4<sup>th</sup> day of February, 2010.

**BEFORE THE ARIZONA POWER PLANT  
AND TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION  
OF THE SOUTHWEST TRANSMISSION  
COOPERATIVE, INC., OR ITS ASSIGNEES,  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY FOR THE SWTC AND CAP  
JOINT PROJECTS CONSISTING OF THREE  
ELEMENTS: (1) A NEW SINGLE-CIRCUIT  
115 KV TRANSMISSION LINE CONNECTING  
SWTC'S NEW 115 KV LINE NEAR NORTH  
LOOP SUBSTATION (CASE NO. 149) TO THE  
EXISTING RATTLESNAKE SUBSTATION  
AND UPGRADE OF THE RATTLESNAKE  
SUBSTATION TO ADD A SWITCHYARD;  
(2) A NEW DOUBLE-CIRCUIT 115 KV  
TRANSMISSION LINE FROM THE EXISTING  
SANDARIO SUBSTATION TO THE EXISTING  
CAP TRANSMISSION LINE; AND (3) A NEW  
SINGLE-CIRCUIT 115 KV TRANSMISSION  
LINE CONNECTING THE EXISTING  
VALENCIA SUBSTATION TO THE CAP  
TRANSMISSION LINE AT SPREADER TAP  
AND EXPANSION OF THE VALENCIA  
SUBSTATION TO ADD A SWITCHYARD

Docket No. L-00000CC-09-0543-00152

Case No. 152

**CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission  
Line Siting Committee (the "Committee") held a public hearing on February 8, 2010, in  
conformance with the requirements of A.R.S. § 40-360, *et seq.*, and A.A.C. R14-3-201, *et seq.*,  
for the purpose of receiving evidence and deliberating on the Application of Southwest  
Transmission Cooperative, Inc. (the "Applicant") for a Certificate of Environmental  
Compatibility for the North Loop to Rattlesnake/Sandario/Valencia Joint Projects (the  
"Projects") as described in its Application.

1 The following members and designees of members of the Committee were present for the  
2 hearing:

3 John Foreman	Chairman, Designee for Arizona Attorney General, Terry Goddard
4 Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
5 Jessica Youle	Designee for Director, Energy Department, Arizona Department of 6 Commerce
7 David Eberhart	Designee for Chairman, Arizona Corporation Commission
8 Barry Wong	Appointed Member
9 William Mundell	Appointed Member
10 Mike Whalen	Appointed Member
11 The Honorable Patricia Noland	Appointed Member
12 Jeff McGuire	Appointed Member

13 Applicant was represented by counsel, Michael M. Grant of Gallagher & Kennedy, P.A.

14 At the conclusion of the hearing, after consideration of the Application, the evidence and  
15 exhibits presented, the legal requirements of A.R.S. §§ 40-360 to 40-360.13, and in accordance  
16 with A.A.C. R14-3-213, upon motion duly made and seconded, the Committee voted \_\_\_\_ to  
17 grant Applicant, its successors and assigns the following Certificate of Environmental  
18 Compatibility (Case No. 152):

19 Applicant is granted a Certificate of Environmental Compatibility for the construction of  
20 the Projects as described in its Application. The Projects consist of three elements as follows:

- 21 1. Approximately 4.9 miles of new single-circuit 115 kV transmission line  
22 connecting the Applicant's new 115 kV line near North Loop Substation in the  
23 northwest 1/4 of Township 12 South, Range 12 East, Section 9 as approved in  
24

1 Case No. 149 to the existing Rattlesnake Substation and to add a switchyard to  
2 that facility in the southeast 1/4 of Township 12 South, Range 11 East,  
3 Section 14;

4 2. Approximately one mile of new double-circuit 115 kV transmission line from the  
5 existing Sandario Substation in the southeast 1/4 of Township 13 South, Range 11  
6 East, Section 32 to the existing Central Arizona Project transmission line in the  
7 northeast 1/4 of the same Section 32; and

8 3. Approximately 2.7 miles of new single-circuit 115 kV transmission line from the  
9 existing Valencia Substation in the northeast 1/4 of Township 15 South, Range 12  
10 East, Section 17 to the existing Central Arizona Project transmission line at  
11 Spreader Tap in the southeast 1/4 of Township 15 South, Range 12 East,  
12 Section 11 and expansion of the Valencia Substation to add a switchyard.

13 This Certificate is granted upon the following conditions:

- 14 1. The Applicant shall obtain all approvals and permits required by the United  
15 States, the State of Arizona, the County of Pima and any other governmental  
16 entities having jurisdiction necessary to construct the Projects.
- 17 2. The Applicant shall comply with all existing applicable statutes, ordinances,  
18 master plans and regulations of the United States, the State of Arizona, the  
19 County of Pima and any other governmental entities having jurisdiction during  
20 the construction and operation of the transmission line.
- 21 3. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical  
22 site or object that is at least 50 years old is discovered on state, county or  
23 municipal land during the construction or operation of the transmission line, the  
24

1 Applicant or its representative in charge shall promptly report the discovery to  
2 the Director of the Arizona State Museum, and in consultation with the Director,  
3 shall immediately take all reasonable steps to secure and maintain the  
4 preservation of the discovery.

5 4. If human remains and/or funerary objects are encountered on private land during  
6 the course of any ground-disturbing activities relating to the construction or  
7 operation of the transmission line, the Applicant shall cease work on the affected  
8 area of the Projects and notify the Director of the Arizona State Museum pursuant  
9 to A.R.S. § 41-865.

10 5. The Applicant shall comply with the notice and salvage requirements of the  
11 Arizona Native Plant Law (A.R.S. §§ 3-901, *et seq.*) and shall, to the extent  
12 feasible, minimize the destruction of native plants during the construction and  
13 operation of the transmission line.

14 6. The Applicant shall not assign this Certificate or its interest in the Projects  
15 authorized by this Certificate unless the assignee assumes in writing all  
16 responsibilities of the Applicant listed in this Certificate.

17 7. This authorization to construct the Projects shall expire seven years from the date  
18 the Certificate is approved by the Commission unless the transmission line is  
19 capable of operation. However, prior to expiration, the Applicant or its assignees  
20 may request that the Commission extend this time limitation.

21 8. In the event that the Projects require an extension of the term of this Certificate  
22 prior to completion of construction, Applicant shall use reasonable means to  
23 notify all landowners and residents within one mile of the Projects, all persons  
24

1 who made public comment at this proceeding and all parties to this proceeding of  
2 the request and the time and place of the hearing in which the Commission will  
3 consider the request for extension.

4 9. The Applicant shall make every reasonable effort to identify and correct, on a  
5 case-specific basis, all complaints of interference with radio or television signals  
6 from operation of the transmission lines and related facilities addressed in this  
7 Certificate. The Applicant shall maintain written records for a period of five  
8 years of all complaints of radio or television interference attributable to  
9 operation, together with the corrective action taken in response to each complaint.  
10 All complaints shall be recorded to include notations on the corrective action  
11 taken. Complaints not leading to a specific action or for which there was no  
12 resolution shall be noted and explained.

13 10. Within 120 days of the Commission decision granting this Certificate, Applicant  
14 will post signs in public rights-of-way giving notice of the Projects corridor to the  
15 extent authorized by law. The Applicant shall place signs in prominent locations  
16 at reasonable intervals such that the public is notified along the full length of the  
17 transmission line until the transmission structures are constructed. To the extent  
18 practicable, within 45 days of securing easement or right-of-way for the Projects,  
19 the Applicant shall erect and maintain signs providing public notice that the  
20 property is the site of a future transmission line. Such signage shall be no smaller  
21 than a normal roadway sign. The signs shall advise:

22 (a) That the site has been approved for the construction of Projects facilities;

23 (b) The expected date of completion of the Projects facilities;

- 1 (c) A phone number for public information regarding the Projects;
  - 2 (d) The name of the Projects;
  - 3 (e) The name of the Applicant; and
  - 4 (f) The website of the Projects.
- 5 11. Applicant, or its assignee(s), shall design the transmission lines to incorporate
- 6 reasonable measures to minimize impacts to raptors.
- 7 12. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces
- 8 for transmission line structures.
- 9 13. Before construction on the Projects may commence, the Applicant shall file a
- 10 construction mitigation and restoration plan ("Plan") with ACC Docket Control.
- 11 Where practicable, the Plan shall specify the Applicant's plans for construction
- 12 access and methods to minimize impacts to wildlife and to minimize vegetation
- 13 disturbance outside of the Projects right-of-way particularly in drainage channels
- 14 and along stream banks, and shall re-vegetate, unless waived by the landowner,
- 15 native areas of construction disturbance to its preconstruction state outside of the
- 16 power-line right-of-way after construction has been completed. The Plan shall
- 17 specify the Applicant's plans for coordination with the Arizona Game and Fish
- 18 Department and the State Historic Preservation Office. The Applicant shall use
- 19 existing roads for construction and access where practicable and the Plan shall
- 20 specify the manner in which the Applicant makes use of existing roads.
- 21 14. With respect to the Projects, Applicant shall participate in good faith in state and
- 22 regional transmission study forums to coordinate transmission expansion plans
- 23 related to the Projects and to resolve transmission constraints in a timely manner.
- 24



1           15.   The Applicant shall provide copies of this Certificate to Pima County, the Arizona  
2                   State Land Department, the Bureau of Land Management, the State Historic  
3                   Preservation Office and the Arizona Game and Fish Department.

4           16.   Prior to the date construction commences on the Projects, the Applicant shall  
5                   provide known homebuilders and developers within one mile of the route the  
6                   identity, location and a pictorial depiction of the type of power line being  
7                   constructed, accompanied by a written description, and encourage the developers  
8                   and homebuilders to include this information in the developers' and  
9                   homebuilders' homeowners' disclosure statements.

10          17.   Before commencing construction of Projects facilities located parallel to and  
11                   within 100 feet of any existing natural gas or hazardous liquid pipeline, the  
12                   Applicant shall:

13               (a)   Perform the appropriate grounding and cathodic protection studies to  
14                   show that the Projects' location parallel to and within 100 feet of such  
15                   pipeline results in no material adverse impacts to the pipeline or to public  
16                   safety when both the pipeline and the Projects are in operation. If  
17                   material adverse impacts are noted in the studies, Applicant shall take  
18                   appropriate steps to ensure that such material adverse impacts are  
19                   mitigated. Applicant shall provide to Commission Staff reports of  
20                   studies performed; and

21               (b)   Perform a technical study simulating an outage of the Projects that may  
22                   be caused by the collocation of the Projects parallel to and within 100  
23                   feet of the existing natural gas or hazardous liquid pipeline. This study  
24

1 should either: i) show that such outage does not result in customer  
2 outages; or ii) include operating plans to minimize any resulting customer  
3 outages. Applicant shall provide a copy of this study to Commission  
4 Staff.

5 18. Applicant will follow the latest Western Electricity Coordinating Council/North  
6 American Electric Reliability Corporation Planning standards as approved by the  
7 Federal Energy Regulatory Commission, and National Electrical Safety Code  
8 construction standards.

9 19. The Applicant shall submit a self-certification letter annually, identifying progress  
10 made with respect to each condition contained in the Certificate, including which  
11 conditions have been met. Each letter shall be submitted to Docket Control of the  
12 Arizona Corporation Commission on March 1 beginning in 2011. Attached to  
13 each certification letter shall be documentation explaining how compliance with  
14 each condition was achieved. Copies of each letter along with the corresponding  
15 documentation shall be submitted to the Arizona Attorney General and  
16 Department of Commerce Energy Office. The requirement for the self-  
17 certification shall expire on the date the Projects are placed into operation.

18 20. Within sixty (60) days of the Commission decision granting this Certificate, the  
19 Applicant shall make good faith efforts to commence discussions with private  
20 landowners, on whose property the Projects corridor is located, to identify the  
21 specific location for the Projects' right-of-way and placement of poles.

22 21. The Applicant shall expeditiously pursue reasonable efforts to work with private  
23 landowners on whose property the Projects right-of-way will be located, to  
24

1 mitigate the impacts of the location, construction and operation of the Projects on  
2 private land.

3 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

4 This Certificate incorporates the following findings of fact and conclusions of law:

- 5 1. The Projects are in the public interest because it aids the state in meeting the need  
6 for an adequate, economical and reliable supply of electric power.
- 7 2. In balancing the need for the Projects with their effect on the environment and  
8 ecology of the state, the conditions placed on the CEC by the Committee  
9 effectively minimize their impact on the environment and ecology of the state.
- 10 3. The conditions placed on the CEC by the Committee resolve matters concerning  
11 the need for the Projects and their impact on the environment and ecology of the  
12 state raised during the course of proceedings, and as such, serve as the findings  
13 on the matters raised.
- 14 4. In light of these conditions, the balancing in the broad public interest results in  
15 favor of granting the CEC.

16 GRANTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

17 ARIZONA POWER PLANT AND  
18 TRANSMISSION LINE SITING COMMITTEE

19 By \_\_\_\_\_  
20 John Foreman, Chairman

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APPROVED BY ORDER OF THE ARIZONA CORPORATION COMMISSION

Chairman Commissioner Commissioner

Commissioner Commissioner

IN WITNESS WHEREOF, I Ernest Johnson, Executive Director of the Arizona Corporation Commission, set my hand and cause the official seal of the Commission to be affixed this \_\_\_\_ day of \_\_\_\_\_, 2009.

By \_\_\_\_\_  
Ernest Johnson  
Executive Director

Dissent: \_\_\_\_\_